## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

DOWNTOWN BID SERVICES CORPORATION	
and	) Case 5-CA-36375
INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS,	)
AFL-CIO, DISTRICT LODGE 98	) )

## RESPONSE TO NOTICE TO SHOW CAUSE

Downtown BID Services Corporation, Respondent herein, by its undersigned counsel, submits the following response to the Notice to Show Cause issued by the Board on February 18, 2011.

Respondent is well aware of the Board's rule against re-litigation of representation case issues in a subsequent refusal to bargain case. Respondent admits that it intends to have the United States Court of Appeals for the District of Columbia Circuit review the Board's decision to overrule Respondent's election objections in Case 5-RC-16330. Although Respondent's protest to the Board at this stage falls on deaf ears, Respondent wishes to reiterate its firm conviction that the Board's action in the representation case was grievous error. The election in this matter was conducted under deplorable conditions that the Administrative Law Judge and the Board should never have tolerated. Eligible voters were repeatedly belittled, intimidated and threatened by the actions of employees whom the Union vested with authority to act on its behalf but whom the Board characterized as non-agents of

the Union. The vote was very close; only three (3) votes out of over 100 votes cast could have changed the outcome. The employees are entitled to a second election to determine their desires in an atmosphere free of fear and coercion. Respondent believes that the Board shirked its statutory duty in this case to ensure that the employees could vote their free choice.

Respectfully submitted,

Bernard P. Jeweler

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Dated: March 4, 2011

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## **CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing Response to Notice to Show

Cause was served electronically on Charging Party and General Counsel's representatives as
set forth below:

Thomas J. Murphy
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Bernard P. Jeweler

Dated: March 4, 2011